



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,171	04/16/2004	Terrence Martineau	ALC 3129	8266

7590	12/11/2007
KRAMER & AMADO, P.C.	
Suite 240	
1725 Duke Street	
Alexandria, VA 22314	

EXAMINER	
TERMANINI, SAMIR	

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,171

Applicant(s)

MARTINEAU ET AL.

Examiner

Samir Termanini

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

BACKGROUND

1. This Final Office Action is responsive to the following communications:
Amendment filed on 9/6/2007.

2. Claims 1–10 are pending in this case. Claims 1 and 6 are in independent form.

RESPONSE TO AMENDMENT

2. Arguments concerning the Examiner's Rejections of claim 3 under 35 U.S.C. §112 second paragraph in the previous Office Action (Mail dated: 6/14/2007) have been fully considered and are persuasive. The Rejections are withdrawn.

3. Arguments (filed on 9/6/2007) concerning the Examiner's Rejections of claims 1–4, and 6–9 made under 35 U.S.C. §102(b) in the previous Office Action (Mail dated: 6/14/2007) have been fully considered but are not persuasive. The rejections are being maintained for the reasons set forth below

4. Arguments (filed on 9/6/2007) concerning the Examiner's Rejections of claims 5 and 10 made under 35 U.S.C. §103(a) in the previous Office Action (Mail dated: 6/14/2007) have been fully considered but are not persuasive. The rejections are being maintained for the reasons set forth below

CLAIM REJECTIONS-35 U.S.C. §102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-4, and 6-9** remain rejected under 35 U.S.C. 102(b) as being anticipated by *Dovin et al.* (US Pg-Pub 2003/0018665 A1).

I. Citation of Prior Art

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples¹. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art². Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not

¹ *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968).

² *Upsher-Smith Labs. v. Pamlab, LLC*, 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch*, 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi*, 681 F.2d 792, 794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti*, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed.

II. Prior Art Anticipation of Claimed Limitations.

As to independent **Claim 1**, *Dovin et al.* describe(s): a method of presenting network object hierarchy information in a network management tool ("...a user of client 104 utilizes the web browser 106 for transmitting a request for a web page 108, which is identified by a Uniform Resource Locator (i.e., "URL"), over the communications network 102 to web server 114....," para. [0029]), the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower categories through to a final web page, i.e., displaying links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation....," para. [0004]), the method comprising the steps of: displaying status information of a displayed network object on a terminal ("...The displayed web page 510 ...," para. [0042]), the displayed network object having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website ...," para. [0004]); displaying an ordered series of a plurality of buttons on the terminal ("...breadcrumb navigation trail 514 ...," para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object ("...since the last

Art Unit: 2178

page represents a web page that is currently displayed...," para. [0005]), the series including at least a displayed network object button corresponding to the displayed network object ("...storing breadcrumbs associated with web pages downloaded to the web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....," para. [0015]); displaying on each button at least a portion of a label indicating the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded web page...," para. [0014]); and designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button ("...the current web page ...," para. [0032]).

As to dependent **Claim 2**, which depends from Claim 1, *Dovin et al.* further disclose the method of Claim 1 wherein the ordered series includes a root button corresponding to a root object of the hierarchy ("...the parent web page 'Home'...," para. [0005])(emphasis added).

With regard to dependent **Claim 3**, which depends from Claim 2, *Dovin et al.* further disclose, and wherein if the number of network objects between the root object and network object ("...structure depicts all top levels of the Website ...," para. [0004]), within the hierarchy exceeds the maximum number of buttons ("...If desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears in the breadcrumb navigation trail...," para. [0030]),

Art Unit: 2178

displaying a number of buttons including the root button ("...If desired, the breadcrumb navigation trail may maintain all breadcrumbs regardless of whether a breadcrumb already appears ...," para. [0030]), the displayed network object button ("...client's web browser currently is displaying the web page 108...", para. [0038]), and buttons corresponding to network objects progressively higher than the displayed network object within the hierarchy ("...the links are displayed in order from a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]).

As to dependent **Claim 4**, which depends from Claim 3, *Dovin et al.* further disclose the method of Claim 3 wherein the buttons are arranged along a horizontal row above the status information ("...across the top of the web page running from the left margin to the right margin...", para. [0004]), with the root button at the left and the displayed network object button at the right ("...a first web page (i.e., parent page) to subsequently visited web pages (i.e., child web pages)....," para. [0005]). See also Fig. 5, reproduced below.

Art Unit: 2178

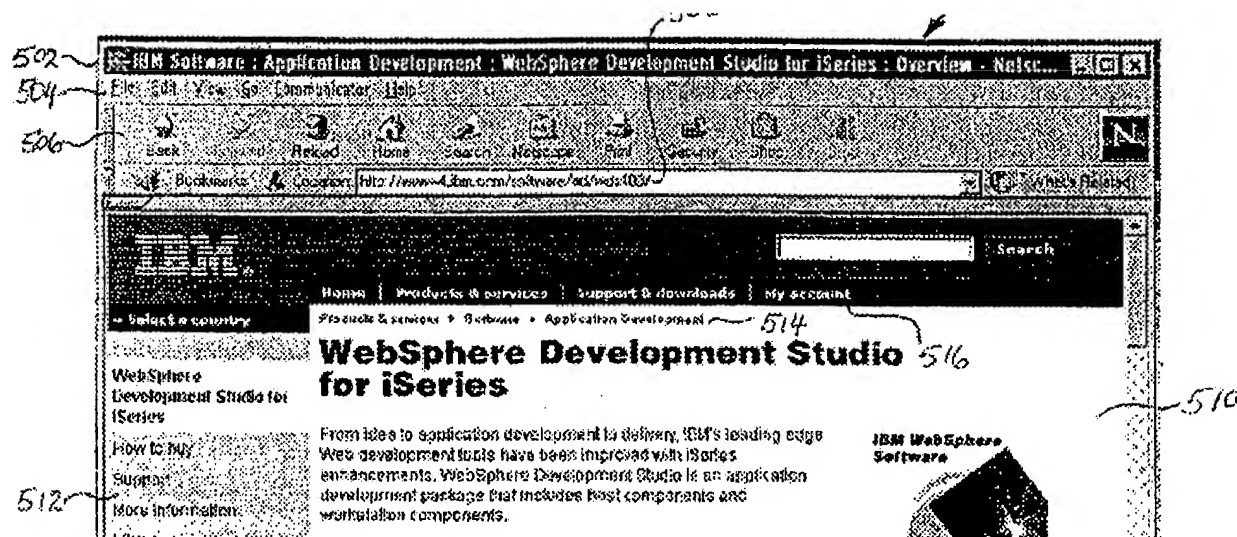


Fig.5

As to **Claims 6-9**, these Claims differ from Claims 1-4, respectively, only in that they are directed to products defined by the processes of Claims 1-4, respectively. Accordingly, Claims 6-9 are rejected for the same reasons set forth in the treatment of Claims 1-4, respectively.

CLAIM REJECTIONS-35 U.S.C. § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 5 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Dovin et al.* (US Pg-Pub 2003/0018665 A1) in view of *Milic-Frayling et al.* (US Pg-Pub 2005/0132018 A1).

As to dependent **Claim 5**, which depends from Claim 1, *Dovin et al.* taught a method of presenting network object hierarchy information in a network management tool ("...a user of client 104 utilizes the web browser 106 for transmitting a request for a web page 108, which is identified by a Uniform Resource Locator (i.e., "URL"), over the communications network 102 to web server 114....," para. [0029]), the network management tool for use in managing a communication network having a hierarchy of network objects ("...The depth-emphasizing navigation structure depicts a hierarchical path through the information space from broader categories through more narrower categories through to a final web page, i.e., displaying links from a home page of the Website through a plurality intermediary web pages representing categories (i.e., child web pages) to the current page (i.e., also a child web page) atop the current web page as breadcrumbs, i.e., breadcrumb navigation....," para. [0004]), the method comprising the steps of: displaying status information of a displayed network object on a terminal ("...The displayed web page 510 ...," para. [0042]), the displayed network object having at least one higher-level network object within the hierarchy ("...depicts all top levels of the Website ...," para. [0004]); displaying an ordered series of a plurality of buttons on the terminal ("...breadcrumb navigation trail 514 ...," para. [0042]), each button corresponding to a network object within the hierarchy and being ordered according to a position within the hierarchy of the corresponding network object ("...since the last page represents a web page that is currently displayed....," para. [0005]), the series including at least a displayed network object button corresponding to the displayed network object ("...storing breadcrumbs associated with web pages downloaded to the

web browser at the client, updating the stored breadcrumbs with the generated breadcrumb to form a breadcrumb navigation trail of breadcrumbs associated with navigation of the web pages at the Website; and displaying the breadcrumb navigation trail on each downloaded web page for user selection....," para. [0015]); displaying on each button at least a portion of a label indicating the corresponding network object ("...the generated breadcrumb including navigation information for each downloaded web page....," para. [0014]); and designating a new displayed network object by selecting a network object displayed in the status information or by selecting a button ("...the current web page," para. [0032]).

Dovin et al. do not clearly show the steps of monitoring for a position of a cursor on the terminal coinciding with a button for which only a portion of a label is displayed; and thereby causing the displaying of the label in its entirety.

However, *Milic-Frayling et al.* disclose the monitoring for a position of a cursor on a terminal coinciding with a button for which, only a portion of a label is displayed ("the pointer icon 606 is positioned over or near the identifier or icon for a specified length of time. Thus, hovering can occur when the pointer is adjacent to the identifier," para. [0057]); and while the position of the cursor coincides with a button for which only a portion of a label is displayed, displaying the label in its entirety ("A presenting operation 812 presents a thumbnail of the resource identified by the resource identifier over which the pointer icon was hovered. In one implementation of presenting operation 812 the thumbnail is retrieved from the navigation history data storage and displayed in the session overview. In an alternative implementation of the presenting operation

Art Unit: 2178

812 a cache of previously stored resources is searched for the selected resource. If the selected resource is found in the cache, the contents of the resource are presented in the thumbnail size browser window., " para. [0082]).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have used the a cursor coinciding with a button to display more information about the button taught by *Milic-Frayling et al.* with the breadcrumb navigation bar of *Dovin et al.* because: (1) both teaching are in the same field of endeavor of presenting network object hierarchy information; (2) both teaching are directed to the same problem of showing breadcrumb navigation trails using bars; and (3) a person of ordinary skill in art pursue would have had good reason to pursue the known solutions enumerated in *Milic-Frayling et al* because they are predictable solutions.³ Specifically, *Milic-Frayling et al.* suggests the advantage and desirability of using the a cursor coinciding with a button to display more information about a button:

³ As clarified in *KSR*, it's now apparent "obvious to try" may be an appropriate test in more situations than we previously contemplated. When there is motivation: "...to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under §103." *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

Resource Browser

File Edit View Favorites Tools Help

Address: http://entertainment.msn.com/artist?artist=10456

Intelligent Browser Overview

MSN Entertainment - News - Paul McCartney

Welcome to MSN.com

CNN.com - Toy gun shuts down U.S. House - Oct 608

CNN.com - Putin urges calm over arrests - Oct 608

CNN.com - International - Oct 608

MSN Money - US MSFT Recent Stock News...

MSN Money - US MSFT Advisor FYI: Investin...

MSN Money - US MSFT Recent Stock News...

MSN Money - Intl Quote: Investing

Welcome to MSN.com

Sadism's New War

MSNBC Cover

602

Search

MSN.com

Paul McCartney

602

WWW.888.COM

CASINO

Fig. 6

As to dependent **Claim 10**, this Claim differs from Claim 5 only in that it is directed to a product defined by the process of Claim 5. Accordingly, this Claim is rejected for the same reasons set forth in the treatment of Claim 5, above.

RESPONSE TO ARGUMENTS

9. Applicant arguments, see pp. 6 filed 9/6/2007, with respect to the 35 U.S.C. §102(b) Rejections cited by the Examiner in the previous Office Action (Mail dated: 6/14/2007), have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained..

Applicants argue "Claims 1 and 6 recite ,displaying status information of a displayed network object on a terminal." In response it is respectfully submitted that ("...the current web page ...," para. [0032]) is the status information being displayed.

CONCLUSION

10. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2178

A handwritten signature in cursive script, appearing to read "Samir Termanini", written over a horizontal line.

Samir Termanini
Patent Examiner
Art Unit 2178

A handwritten signature in cursive script, appearing to read "Stephen Hong", written over a horizontal line.

STEPHEN HONG
SUPERVISORY PATENT EXAMINER